

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

SOCIAL WELFARE DEPARTMENT – Post Matric Scholarships – Reimbursement of Tuition Fee and other fees in respect of SC students admitted into GNM/MPHW (F)/DMLT and other Para Medical Courses / BPT/B.Sc Nursing Courses in Private Nursing Institutions – Withdrawn the orders issued in G.O.Ms.No.4 SW (Edn.2) Deptt., dated 6.1.2005 – Orders – Issued.

SOCIAL WELFARE (EDN.2) DEPARTMENT

G.O.Ms.No. 113

Dated:09-12-2009.

Read the following:-

1. G.O.Ms.No.313, HM & FW (M2) Deptt., dated 16.8.1997.
2. G.O.Ms.No.314, HM & FW (M2) Deptt., dated 16.8.1997.
3. G.O.Ms.No.305, HM & FW (K2) Deptt., dated 7.8.1997.
4. G.O.Ms.No.145, HM & FW (M2) Department, dated 18-05-1998.
5. G.O.Ms.No.90, SW (Edn.2) Department, dated 30-07-2002.
6. Govt.Memo.No.392/SW.Edn.2/2003-1, dated 23-01-2003.
7. G.O.Ms.No.4, SW (Edn.2) Department, dated 06-01-2005.
8. G.O.Ms.No.5, SW (Edn.2) Department, dated 12-01-2005.
9. Govt.Memo No.12901/SW.Edn.2/2003-9, dated 1-05-2005.
10. G.O.Rt.No.247, SW (Edn.2) Deptt., dated 21.05.2005.
11. Circular Memo.No.12901/SW.Edn.2/2003-14, dated 30.06.2006.
12. Hon'ble High Court Judgement dated 08-07-2008 in WP No.9178/2008.
13. G.O.Rt.No.4930, G.A (Cabinet) Deptt., dated 12.10.2009.
14. G.O.Ms.No.106, SW (Edn.2) Department, dated 4.11.2009.

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ORDER:

In the G.O 1st to 4th read above, Government in HM & FW Department as a regulator of Paramedical education in the State have fixed the procedure for admission and fee structure for General Nursing and Mid-wifery MPHWF, B.Sc (Nursing) and Bachelor of Physiotherapy courses. The fee structure fixed for Management quota seats is 3 to 5 times that of the Free seats or Convenor quota seats. In the G.O. 5th read above, Government in Social Welfare department as a welfare measure issued orders detailing the procedure for sanction, drawal and disbursement of scholarships to poorer sections of SC/ST/BC students. It may be noted that Government have the practice to sanction fee reimbursement to only free quota seats/convenor seats. Government do not have any policy or practice to sanction tuition fee reimbursement to management quota seats in any of the courses. A lot of confusion is created by reading these two sets of Government orders i.e., those issued by Medical & Health Department on one hand and Social Welfare Department on the other hand, together, whilst these orders are issued by the two departments of Government with totally different objectives and purposes. Under these exceptional circumstances Government issued Memo 6th read above, limiting reimbursement of tuition fee to Rs.1000/- per month for Nursing degree courses and Rs.500/- per month for MPHWF (F) course for both free and management seats as a matter of special consideration to SC students.

2. Subsequently, the Students Association of College of Medical Technology, Ongole, have filed WPs. No. 8223/2003 and 8224/2003 challenging the above memo 6th read above. The Hon'ble High Court set aside the memo 6th read above, while instructing the Government to issue fresh orders, after giving notice to the petitioners in orders dated 31-08-2004. The above orders of the Hon'ble High Court were not followed within the time limit of two months, as a result, the petitioners filed Contempt Case No.1465/04 and Contempt Case No.1466/04 before the Hon'ble High Court.

(P.T.O...)

3. In the process of implementing the orders of the Hon'ble Court the Social Welfare Department in Government have erroneously i.e., without taking into consideration of the financial implications and also without consulting Finance department have issued G.O 7th read above, sanctioning tuition fee and special fee reimbursement for the SC students of Para Medical Courses as fixed by the H.M & F.W (K2) Department, i.e., @ 3 to 5 times the free quota seat rate for Management quota seats, and directed to follow strictly the procedures for sanction of scholarships to eligible SC students as per the G.O.Ms.No.90, SW (Edn.2) Deptt., dated 30-07-2002.

4. On the above orders, there were some adverse news items published in the news papers, and in order to address them the Government have decided and constituted the District and State level teams for joint inspection of the various Para Medical Institutions and consolidated orders were issued vide reference 8th read above. Further, it was decided to stop fraudulent payments of tuition fee claimed by the Private Para Medical Institutions from Social Welfare Department with immediate effect.

5. Subsequently, Government in the reference 11th read above, revised the orders to release post matric scholarships even for Management quota seats in the Paramedical institutions as per the free seat rate only pending revision of the fee structure for Para Medical Courses by the HM & FW Department.

6. Due to non sanction of Post Matric Scholarships to the SC students, for management quota seats at the rates fixed by Medical Health & FW Department, many W.Ps/Contempt Cases are filed for payment of balance tuition fee under management quota seats and other fees. In one of them the Hon'ble High Court in its judgment dated 8.7.2008, in WP No.9178/2008 struck down the Circular Memo issued in the reference 11th read above, that limited the tuition fee reimbursement at Government quota seats only.

7. When the matter was posed to Advocate General, for withdrawing the G.O.Ms.No.4, SW (Edn.2) Deptt., dt.6.1.2005, the Advocate General has stated that it is certainly open for the Govt. to withdraw G.O.Ms.No.4, SW (Edn.2) Deptt., dated 6.1.2005 and issue fresh orders, but such orders will have to be issued in compliance with the Judgement of the Hon'ble Supreme Court in P.A Inamdar's case based on which G.O.Ms.No.299, HW & FW (K2) Deptt., dt.8.9.2007 was issued. Further in accordance with the judgement of the High Court dated 31.08.2004 in W.P Nos.8223/2003 and 8224/2003, the petitioners therein namely SC students Association must be heard and speaking orders have to be passed, before reviewing the G.O.Ms.No.4, Social Welfare (Edn.2) Department, dated 6.1.2005. In pursuance of the orders of the Hon'ble High Court dated 31.08.2004 in WP No.8223/2003, Govt. served notices several times to the President, SC Students Association, General Nursing Course, Ongole to appear before the Principal Secretary to Government, Social Welfare Department to state their case in the matter. But neither the President, nor any representative of the SC students association General Nursing Course, Ongole appeared even after sufficient time is given to them.

8. When the matters stood so, many representations are received from associations of paramedical institutions to resolve the issue expeditiously. Towards this end the Minister Social Welfare & Minister Medical Education held consultations with all the associations of paramedical institutions. Based on these consultations and based on the undertakings given by the following associations of paramedical colleges:

- (i) President, Nursing Institutions Management Association of A.P.
- (ii) Secretary, Association of Private Colleges of Nursing and Schools of Nursing, Hyderabad.
- (iii) President, A.P. Physiotherapy College Management Association, A.P., Hyderabad.

(Contd...3)

- (iv) President, A.P. Para Medical Institutions Management Association.
- (v) President, B.Sc (MLT) Colleges Management Association, A.P., Hyderabad.

Government issued orders in G.O. 14th read above for reimbursement of tuition fee to Para Medical Colleges offering Degree Courses in respect of Management quota seats by implementing the orders issued vide G.O.Ms.No.4, SW (Edn.2) Deptt., dt.6.1.2005, but by limiting to 2 ½ times the Govt. quota rates which are on par with the rates awarded to Nizam's Institute of Medical Sciences (NIMS) in G.O.Ms.No.19, SW (Edn.2) Deptt., dt.8.2.2008. These orders shall be implemented subject to withdrawal of all court cases in the matter and to limit such reimbursement up to the academic year 2009-10 pending formulation of new policy by the cabinet sub-committee constituted in G.O 13th read above.

9. Government after detailed examination of the matter has decided to withdraw the orders issued in G.O.Ms.No.4, Social Welfare (Edn.2) Department, dated 06.01.2005 with immediate effect. This withdrawal will be implemented prospectively.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. NAGI REDDY,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Commissioner of Social Welfare, A.P., Hyderabad.

The Commissioner, A.P.Vaidya Vidhana Parishad, Hyderabad.

The Registrar, A.P. Nursing Midwaives Council, Koti, Hyderabad.

The Registrar, N.T.R. University of Health Sciences, Vijayawada.

All the Heads of the Departments under the control of Health Medical & Family Welfare Department.

All District Collectors in the State.

All District Medical and Health Officers in the State.

All the Superintendents of Government Teaching Hospitals in the State through Director of Medical Education (The DME is requested to communicate the orders to all the Supdts.).

All the Superintendents of Government District Head Quarters Hospitals in the State through Director of Medical Education (The DME is requested to communicate the orders to all the Supdts.).

All the Deputy Directors of Social Welfare in the State through CSW.

The Secretary, Indian Nursing Council, Combined Council Buildings, Kotla Road, Temple Lane, New Delhi – 110002.

The President, Nursing Institutions Management Association of A.P (both Schools and Colleges), Hyderabad.

Copy to the Finance (Expr.SW) Department.

Copy to Commissioner of Tribal Welfare, A.P., Hyderabad.

Copy to the P.S. to Principal Secretary to C.M. / P.S. to M (SW).

Copy to the P.S. to Prl. Secy. HM & FW Deptt.

Copy to the P.S. to Prl.Secy. (SW).

Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER.